REMARKS

The specification has been amended to change the terminology "minimum inhibition growth concentration (MIC)" to --minimum inhibitory concentration (MIC)--. It is believed to be clear to a person of ordinary skill in the art relating to the present invention that the acronym "MIC" means "minimum inhibitory concentration". Thus, the amendments to the specification do not involve prohibited new matter.

Claims 1, 4-5, 8-9 and 12-13 are rejected under 35 U.S.C. 103(a) over the Tamaoki et al. (JP 407025764A; hereinafter "Tamaoki").

The position of the Office in this rejection is that the antibacterial agent used in the method of the present invention containing coumarin analogues as recited in the claims would be obvious in view of the antibacterial agent of Tamaoki which comprises coumarin analogues because "the adjustment of other conventional working conditions (e.g., the nonvolatile compounds containing 40% by weight or more of coumarin analogues), is deemed a matter of judicious selection and routine optimization which is well within the purview of the skilled artisan." (Action, page 3, lines 1-4 from the bottom of the page).

Submitted herewith to rebut the position of the Office is a Declaration under 37 C.F.R. 1.132 of one of the inventors, Tadahiro

HIRAMOTO. The declaration shows that the method of the present invention for inhibiting the growth of bacteria using an antibacterial agent which is a mixture of nonvolatile compounds obtained by fractionation of the high-boiling point portion of a citrus cold press oil, the mixture containing about 40% by weight or more of coumarin analogues (FR.1, FR.2 and FR.3 containing 59.9%, 47.8% and 43.8%, respectively, of coumarin analogues), provides an unexpectedly superior antibacterial effect as compared to a method using an antibacterial agent which is a mixture of nonvolatile compounds obtained by fractionation of the high-boiling point portion of a citrus cold press oil, the mixture containing less than about 40% by weight of coumarin analogues (FR.4 and FR.5 containing 35.8% and 23.1%, respectively, of coumarin analogues).

The data of the declaration and that of the examples described in the specification rebut the position of the Office that the adjustment of the nonvolatile compounds containing 40% by weight or more of coumarin analogues would be a matter of judicious selection and routine optimization.

Removal of the 35 U.S.C. 103(a) rejection of the claims and issuance of a Notice of Allowability are believed to be in order and are respectfully solicited.

PATENT APPLN. NO. 10/812,170 **PATENT**
RESPONSE UNDER 37 C.F.R. § 1.116 **FINAL**

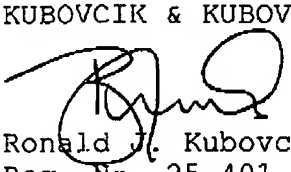
The foregoing is believed to be a complete and proper response to the Office Action dated August 25, 2005, and is believed to place this application in condition for allowance.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



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Attachments: Declaration under 37 C.F.R. 1.132